STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814
(916) 322-5387

September 3, 1985

ALL-COUNTY LETTER NO. 85-92

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: SHAW v. McMAHON

REFERENCE: ACL 84-109, ACL 85-25, ACL 85-67, ACIN I-60-85

On August 6, 1985, the Contra Costa Superior Court issued an Order Compelling Defendants to Comply with Peremptory Writ of Mandate and Permanent Injunction. A copy of the order is attached (Attachment A). This order prohibits denial of state-only AFDC-U Shaw benefits to families solely because they met the federal standards for unemployed parents (e.g., connection with the labor force).

Effective back to October 1, 1984, for the retroactive Shaw cases, and for the prospective Shaw cases from February 21, 1985, counties must determine if those persons denied Shaw benefits under the state-only AFDC-U program were denied solely because they met the federal standards for unemployed parents. All denials solely for this reason will be rescinded and eligibility established for Shaw benefits.

Counties are to begin implementation of this court order immediately and to complete a review of all those persons denied Shaw benefits solely because they met the federal standards for unemployed parents as soon as possible.

The new order also requires the Department to report to the court by December 30, 1985 the number of cases where state-only benefits were granted which had been previously denied because of the federal work history requirement. A revised statistical report (Attachment C) must be returned to the Department by November 15, 1985, in lieu of the report that was due August 1. If your county has already filed the report with the Department, it will be necessary to submit a new revised statistical report to replace the originally submitted report. Specific detailed instructions for complying with the new order are attached (Attachment B).

If you have any questions, please contact Kathy Layne, AFDC Program Development Bureau, at (916) 324-0097 or (916) 322-5387.

ROBERT A. HOREL
Deputy Director

Attachments

ATTACHMENT A

CONTRA COSTA LEGAL SERVICES FOUNDATION
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Richmond, California 94802
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Attorneys for Plaintiff

FILED
AUG 6 - 1985
J.R. OLAGON, CLERK
CONTRA COSTA COUNTY
By G. TAMURA
Deputy

SUPERIOR COURT OF CALIFORNIA,

CONTRA COSTA COUNTY

TAMIE SHAW, Plaintiff, vs. LINDA McMAHON, et al., Defendants.	NO. 262299 ORDER COMPELLING DEFENDANTS TO COMPLY WITH PEREMPTORY WRIT OF MANDATE AND PERMANENT INJUNCTION

Plaintiff's motion to compel defendants to obey Peremptory Writ of Mandate came on regularly for hearing on June 17, 1985. Plaintiff was represented by attorney Jane Grant Kerr and state defendants were represented by Deputy Attorney General Winifred Y. Smith. The court having considered the oral arguments and memoranda of points and authorities, and all other pleadings and documents on file in this case, and good cause appearing,

IT IS ORDERED that:

1. Plaintiff's motion is granted, compelling state defendants to comply with this court's order of January 23, 1985;

2. State defendants, their agents, employees, and successors in interest, are enjoined and prohibited from applying EAS 44-270.4, the federal lump sum rule, to the state only AFDC program, including all single parent and two parent households;

3. State defendants, their agents, employees, and successors in interest, are enjoined and prohibited from denying state-only AFDC benefits to families meeting federal requirements for work history or connection to the labor force.

In implementation of the following order,

IT IS FURTHER ORDERED that:

1. All-County Information Notice

Defendant McMahon and the Department of Social Services shall issue an All-County Information Notice within 5 working days of this order superseding All-County Letter 85-67 to the extent it is inconsistent with this order, and informing county welfare departments that, pursuant to court order, Shaw benefits may not be denied to families because they meet federal requirements for work history or connection to the labor force.

2. All-County Letter

Defendant McMahon and the Department of Social Services shall issue an All-County Letter within 20 working days of the date of this order informing the county welfare departments of the terms of this order and instructing them to comply with its terms by granting state-only AFDC benefits to any eligible families regardless of whether the family meets the federal

requirement for work history or connection to the labor force.

The All-County Letter shall also instruct the county welfare departments to reevaluate the eligibility of any family denied state only AFDC benefits because they met the federal requirements for work history or connection with the labor force pursuant to the implementation of the January 23, 1985 court order, via the 85-25 All-County Letter; and to provide state only benefits to those eligible families. For families in the above defined group identified prior to May 1, 1985, benefits shall be evaluated from October 1, 1984. For families in the above defined group identified after April 30, 1985, benefits will be evaluated prospectively from date of application.

3. Monitoring

Defendant McMahon shall submit to plaintiff's counsel and file a return with the court by December 30, 1985, reporting by county the following information for AFDC cases evaluated pursuant to this order:

a. The number of cases where state-only benefits were granted but previously denied because of the federal work history requirement.

This monitoring information may be reported with monitoring information required by the January 23, 1985 court order. All monitoring information may be submitted by December 30, 1985.

d. Defendants shall provide a copy of all instructions and notices sent by DSS pursuant to this order to plaintiff's counsel within 5 days after they are sent to the counties.

4. No Bond

The above order shall issue without plaintiff's filing a bond.

5. Jurisdiction

The court retains jurisdiction for one year to ensure compliance with this order.

6. Costs and Attorneys' Fees

Plaintiff is awarded costs and attorneys fees. The court retains jurisdiction over their amount and plaintiffs may petition for them when the appeal is resolved.

7. Nature of Injunction

The provisions of this injunction are prohibitory, and shall not be stayed if an appeal is filed by defendants.

SO ORDERED.

DATED: ~~July , 1985~~
AUG 6 - 1985

DAVID A. BOLGIN

JUDGE OF THE SUPERIOR COURT

Approved as to form only:

Winifred Y. Smith

WINIFRED Y. SMITH
DEPUTY ATTORNEY GENERAL

IMPLEMENTING INSTRUCTIONS

BACKGROUND

A Notice of Decision was issued on September 20, 1984, by the Contra Costa County Superior Court requiring the plaintiffs to confer with the Department before the court issued its order. In the interim, an All-County Letter (No. 84-109) was issued requesting that counties flag or otherwise identify all cases where receipt of a lump sum resulted in either a denial, termination or suspension of AFDC benefits from the date of the order.

On January 23, 1985, a final order was issued prohibiting the Department from applying the federal lump sum regulations to the state-only AFDC-U cases, including both single-parent and two-parent households. All-County Letter No. 85-25 was issued to implement the Shaw v. McMahon court order. This letter included instructions that all federal AFDC-U assistance units (AU) being discontinued from federal AFDC due to receipt of nonwindfall lump sum are not eligible for state-only AFDC-U when the AUs met the federal standard for unemployed parents.

On June 27, 1985, an Amended Notice of Decision was issued which enjoined and prohibited this Department and its agents from denying Shaw state-only AFDC-U benefits to families solely because they meet the federal standards for unemployed parents (e.g., connection with the labor force) for prospective Shaw cases. Counties were notified via ACIN I-60-85 of the decision and asked to identify all Shaw cases in which state-only AFDC-U benefits were denied due solely to the family meeting the federal standards for unemployed parents. On August 6, 1985, a final order was issued.

CASES DENIED SHAW BENEFITS

For all cases that were denied state-only AFDC-U benefits solely because they met the federal standards for unemployed parents pursuant to the implementation of the January 23, 1985 court order via ACL 85-25, dated February 21, 1985, the county shall:

1. Reevaluate eligibility for Shaw disregarding their eligibility for the federal AFDC-U program.

2. If otherwise eligible for Shaw state-only AFDC-U benefits, rescind the denial and determine back benefits in accordance with ACL 85-25.

NOTICES OF ACTION

The Shaw v. McMahon - Denial - Principal Earner Eligible for Federal AFDC Notice of Action is no longer an active Notice of Action and should not be used. County stock of this notice should be destroyed.

STATISTICAL REPORT

The Shaw v. McMahon Statistical Report has been revised to include the information required by the current order. The attached revised Statistical Report should be submitted to the Department on or before November 15, 1985, in lieu of the report that was due August 1. Please mail the report to:

Department of Social Services
Statistical Services Branch
744 P Street, M.S. 12-81
Sacramento, California 95814

If your county has already submitted the Shaw v. McMahon Statistical Report to the Department, it will be necessary to submit a new revised Shaw v. McMahon Statistical Report.

ATTACHMENT C

STATISTICAL REPORT (REVISED)

SHAW VS. McMAHON

SEND ONE COPY TO: Department of Social Services
Statistical Services Branch
744 P Street, M.S. 12-81
Sacramento, California 95814
(916) 322-2230

NAME OF COUNTY SUBMITTING REPORT	THIS REPORT IS DUE ON OR BEFORE:
	NOVEMBER 15, 1985

THIS REPORT IS

☐ ORIGINAL SUBMISSION ☐ SUBSEQUENT REPORT NO. _____ ☐ REVISION NO. _____

REPORTING PERIOD

FROM: OCTOBER 1, 1984 TO: OCTOBER 31, 1985

FOR RETROACTIVE CLAIMS FOR PERIOD OCTOBER 1, 1984 THROUGH APRIL 30, 1985	
1. Number of claims received for retroactive period	
2. Number of claims granted for retroactive period	
3. Number of claims denied for retroactive period	
4. Total amount of benefits paid for retroactive period	
NUMBER OF CASES WHERE STATE-ONLY AFDC-U BENEFITS WERE GRANTED BUT PREVIOUSLY HAD BEEN DENIED BECAUSE OF THE FEDERAL WORK HISTORY REQUIREMENT	
5. Number of claims for retroactive period October 1, 1984 through April 30, 1985	
6. Number of applications for period May 1, 1985 through October 31, 1985	
TOTAL AMOUNT OF BENEFITS PAID FOR CASES WHERE STATE-ONLY AFDC-U BENEFITS WERE GRANTED BUT HAD BEEN PREVIOUSLY DENIED BECAUSE OF THE FEDERAL WORK HISTORY REQUIREMENT	
7. Total amount of benefits for the retroactive claim period October 1, 1984 through April 30, 1985	
8. Total amount of benefits for applications for the period from May 1, 1985 through October 31, 1985	

PERSON TO CONTACT REGARDING THIS REPORT	TELEPHONE NUMBER	DATE